

## MASTERS IN CHANCERY.

done under order 612, and at no greater expense than was formerly incurred by the mere service of papers, which is now dispensed with.

Order 614 is in our opinion perhaps the most important of all, and introduces a practice which cannot but be conducive to the interests of the public by preventing in many cases great loss and hardship, as for example in injunction cases to restrain the cutting of timber.

The orders will be found on page 92.

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Mr. J. C. Jeaffreson has written a "Book about Lawyers," but although it is of that comprehensive class which treats "*de omnibus rebus et quibusdam aliis*," he has entirely overlooked the estimable class of men named at the head of this article. Yet much quaint and curious lore might he have found as to these officials, who, though now abolished in England, still flourish on this Continent. But how mightily have they degenerated since those days of pristine splendour when their early name of clerks suggested their clerical character and indicated the immunities they enjoyed as beings of a privileged order! They were not called Masters of the Chancery on the *lucus à non lucendo* principle, but because they were "skillful in the civil and canon lawes," and they for that very reason formed a part of the high court of Parliament,—attended the House of Lords that they might give information in the making of laws touching foreign matters, how the same should accord with equity, *jus gentium*, and the laws of other nations. Then, they had precedence over the King's Solicitor and Attorney; they sat in Court with the Lord Chancellor and when the great seal was in commission or a judge was called upon to preside by reason of the absence of the Lord Chancellor, two Masters were assessors with the Judge and might even over-rule him.

So it is reported in *Merritt v. Eastwicke*, 1. Vern 265, that Mr. Baron Atkyns would have dismissed the bill, but the Masters in Chancery "stood up and opposed it; and thereupon, the Court being divided, no order was made." But some of these Masters were modest men, who felt ill at ease in their dignified position on the Bench and who had difficulty in shaking off that habitual taciturnity which was supposed to be the characteristic of this class of judicial officers. Hence, in *Shapland v. Smith*, 1 Bro. C. C. 65. Master Hett, before offering his views, gravely asked his co-judge "if his opinion was of any consequence."

In England the Masters' offices were close courts, and so marvellous were the delays of cases therein, that it led to the abolition of that branch of Chancery in 1852. Strange stories are told of the high jinks practiced by certain Masters of a convivial turn of mind in the mystical seclusion of their own chambers. One Master was wont to mitigate the solemnity of proceedings before him by singing the Marseillaise, and says the *Lay Magazine*, (vol. 41, p. 297) "not content with this little playful effusion he shortly after delighted the ears of the attendant solicitors with the martial chant "*Cà Ira*." Then, also were the palmy days of the taxing Masters when the fees were fixed by a per centage on the amount taxed; so that in *Small v. Attwood*, where the fees of each of the leading Counsel were £3000 and £4000, the taxation of each of these items would amount to £90 and £120! But even among the working Masters the idea of a good day's work was slightly different from the modern notions on that subject; for example it was thought that a good deal was accomplished in a day's work of six hours occupied in taking evidence under commission when thirty folios of depositions were taken down.

Of Masters who have risen to the bench, the most notable are, in the States,